

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
BARNSTABLE, SS

Filed

JAN 25 2019

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT Clerk  
DOCKET NO: 1872CR00084

COMMONWEALTH

v.

THOMAS LATANOWICH

MOTION FOR A RULE 17 SUMMONS DUCES TECUM TO THE KEEPER OF  
RECORDS OF THE YARMOUTH POLICE DEPARTMENT FOR RECORDS REGARDING  
CANINE NERO

Pursuant to Mass. R. Crim. P. 17(a)(2), the Defendant, Thomas Latanowich, moves the court to issue a summons duces tecum directing the Keeper of Records of the Yarmouth Police Department, 340 Higgins Crowell Rd., W. Yarmouth, MA 02673 to produce to the Criminal Clerk's Office of the Barnstable Superior Court, 3195 Main St., Route 6A, Barnstable, MA 02630 one complete copy of the entire file pertaining to or concerning the canine Nero, utilized by Sgt. Sean Gannon during the alleged incident of April 12, 2018. Said file may include, but not necessarily be limited to, the following:

1. Any and all documents identifying the name and address of canine Nero's veterinarian;
2. Any and all medical/veterinary records of canine Nero;
3. Any and all documents of Canine Nero's initial training and certification records, including dates of certification, programs attended, and

criteria and standards applied to evaluate performance;

4. Any and all documents of Canine Nero's re-training and re-certification records, if any, including dates of re-certifications, programs attended, and criteria and standards applied to evaluate performance;
5. Any and all documents of Canine Nero's field performance records including, but not limited to, all records showing the number of times Nero was deployed, the number of occasions in which Nero correctly alerted, and the number of occasions Nero incorrectly alerted. Said documents include records of actual deployments and simulated deployments conducted for training purposes;
6. Any and all documents of Sgt. Sean Gannon's C.V. as a canine handler;
7. Any and all documents of Sgt. Sean Gannon's training and certification as a canine handler including dates of certification, programs attended, and criteria and standards applied to evaluate performance;
8. Any and all documents of Sgt. Sean Gannon's re-training and re-certification records as a canine handler, if any, including dates of re-certification, programs attended, and criteria and standards applied to evaluate performance;
9. Any and all documents of Sgt. Sean Gannon's experience since he began handling canines, including, but not limited to, all records showing the number of times Sgt. Gannon was deployed with a canine, the number of occasions in which the canine handled correctly alerted, and the number of occasions when the canine incorrectly alerted. Said documents include records of actual deployments and simulated deployments conducted for training purposes;
10. Any and all documents identifying the reward system used with Canine Nero; and



11. Any and all records or reports pertaining to the ten (10) cases preceding the incident of April 12, 2018, in which canine Nero and Sgt. Sean Gannon were deployed, the reason(s) for the deployment, and the results of their deployment.

As reasons therefor, pursuant to Rule 17 the records are 1.) relevant, material, and potentially exculpatory; 2.) the records cannot be obtained without a court order; 3.) inspection of the records prior to trial will be a "real benefit to the defense" and are necessary to prepare for trial without unreasonable delay; and 4.) the requested materials are sought in "good faith." See Commonwealth v. Lampron, 441 Mass. 265, 269 (2004);

The Defendant herein incorporates by reference the attached Affidavit of Counsel.

By his Attorney,

JOSEPH F. KROWSKI JR., ESQUIRE  
30 Cottage Street  
Brockton, MA 02301  
(508) 584-2555  
BBQ: 640902

Dated: January 7, 2019



COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

BARNSTABLE SUPERIOR COURT  
DOCKET NO: 1872CR00084

COMMONWEALTH

v.

THOMAS LATANOWICH

ORDER

The Court hereby **ORDERS** that the Keeper of Records of the Yarmouth Police Department, 340 Higgins Crowell Rd., W. Yarmouth, MA 02673 shall produce to the Criminal Clerk's Office of the Barnstable Superior Court, 3195 Main St., Route 6A, Barnstable, MA 02630 one complete copy of the entire file pertaining to or concerning the canine Nero utilized by Sgt. Sean Gannon during the alleged incident of April 12, 2018. Said file may include, but not necessarily be limited to, the following:

1. Any and all documents identifying the name and address of canine Nero's veterinarian;
2. Any and all medical/veterinary records of canine Nero;
3. Any and all documents of Canine Nero's initial training and certification records, including dates of certification, programs attended, and criteria and standards applied to evaluate performance;
4. Any and all documents of Canine Nero's re-training and re-certification records, if any, including dates of re-certifications, programs attended, and



criteria and standards applied to evaluate performance;

5. Any and all documents of Canine Nero's field performance records including, but not limited to, all records showing the number of times Nero was deployed, the number of occasions in which Nero correctly alerted, and the number of occasions Nero incorrectly alerted. Said documents include records of actual deployments and simulated deployments conducted for training purposes;
6. Any and all documents of Sgt. Sean Gannon's C.V. as a canine handler;
7. Any and all documents of Sgt. Sean Gannon's training and certification as a canine handler including dates of certification, programs attended, and criteria and standards applied to evaluate performance;
8. Any and all documents of Sgt. Sean Gannon's re-training and re-certification records as a canine handler, if any, including dates of re-certification, programs attended, and criteria and standards applied to evaluate performance;
9. Any and all documents of Sgt. Sean Gannon's experience since he began handling canines, including, but not limited to, all records showing the number of times Sgt. Gannon was deployed with a canine, the number of occasions in which the canine handled correctly alerted, and the number of occasions when the canine incorrectly alerted. Said documents include records of actual deployments and simulated deployments conducted for training purposes;
10. Any and all documents identifying the reward system used with Canine Nero; and
11. Any and all records or reports pertaining to the ten (10) cases preceding the incident of April 12, 2018, in which canine Nero and Sgt. Sean Gannon



were deployed, the reason(s) for the deployment,  
and the results of their deployment.

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Justice,  
Barnstable Superior Court

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Date: